

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-11 are pending in this application. Claims 1 and 9-11, which are independent, are hereby amended. Support for this amendment can be found throughout the Specification as originally filed and specifically on pages 14-16.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §112 and §103(a)**

Claims 1-11 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite

Claims 1-11 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,529,878 to DeRafael, et al. (hereinafter, merely "DeRafael") in view of U.S. Patent No. 5,400,248 to Chisholm (hereinafter, merely "Chisholm") and in further view of Official Notice.

### III. RESPONSE TO REJECTIONS

#### A. Response to Rejections Under 35 U.S.C. § 112

Applicant respectfully submits that claims 1-11 do not include the phrase, “said picture content has a profitable line to be applied when said picture content is to be commercialized” as stated in page 2 of the Office Action. Therefore, Applicant respectfully requests withdrawal of the rejections.

#### B. Response to Rejections Under 35 U.S.C. § 103(a)

Claim 1, recites, *inter alia*:

“A contents market research system...

**...wherein said picture content is submitted by a viewer after viewing an advertisement for a subject of said picture content...**

**...wherein a purchase intention on the basis of cost and a sales offer transmission request are included in the content polling information**” (Emphasis added)

Applicant respectfully submits that DeRafael and Chisholm, taken either alone or in combination, fail to teach or suggest the above-identified features of claim 1. Indeed, Applicant submits that nothing has been found in DeRafael and Chisholm that would teach or suggest “wherein said picture content is submitted by a viewer after viewing an advertisement for a subject of said picture content”, as recited in claim 1 (emphasis added).

Further Applicant submit that it is improper to use Official Notice to reject wherein a purchase intention on the basis of cost and a sales offer transmission request are included in the content polling information, as recited in claim 1. None of the polling

information of DeRafael and Chisholm includes a purchase intention on the basis of cost and a sales offer transmission request.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 9-11 are also patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

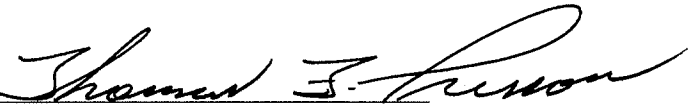
#### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800